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| 10/730,330 | 12/08/2003 | Thomas E. Creamer | BOC920030109US1 (013) | 2374 |
| 46322 7590 07/25/2008 CAREY, RODRIGUEZ, GREENBERG & PAUL, LLP STEVEN M. GREENBERG 950 PENINSULA CORPORATE CIRCLE SUITE 3020 BOCA RATON, FL 33487 | | | | |
| EXAMINER | | | | |
| ADDY, THUAN KNOWLIN | | | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/730,330

Applicant(s)

CREAMER ET AL.

Examiner

THJUAN K. ADDY

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2008.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-17 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 08 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-8508)
4) ☐ Interview Summary (PTO-413)
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____
Paper No(s)/Mail Date _____

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on January 08, 2007 has been entered. Claim 1 has been amended. No claims have been cancelled. No claims have been added. Claims 1-17 are still pending in this application, with claims 1, 4, 9, 11, and 16 being independent.

2. In view of the Appeal Brief filed on 05/16/2008, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

3. To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

Drawings

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, in regards to claim 1, the "call center **comprising**: at least one phone handset... an enterprise application... a database of caller information... at least one line information database (LIDB) disposed in said PSTN... a gateway node... and a query interface..." must be shown or the feature(s) canceled from the claim(s). According to the claim's language, all the above limitations are comprised within the call center, however, the drawings do not show the call center to comprise any component. No new matter should be entered.
5. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

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the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
7. Claim 1 recites "A call center **comprising**: at least one phone handset... an enterprise application... a database of caller information... at least one line information database (LIDB) disposed in said PSTN... a gateway node... and a query interface..." However, the "call center" does not comprise these features. The "call center" may interact with, use, or connect to one or more of these features, but the "call center", itself, does not comprise either of these features.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1, 4, 5, 8-12, 15, 16, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Petrunka et al. (US 5,987,116).

Refereves that

9. In regards to claim 1, Petrunka discloses a call center (See Fig. 1 and Network Call Center (NCC) 1100) comprising: at least one phone handset (See Fig. 1 and customer 1200) coupled to a gateway (See Fig. 1 and local switch 1220) to a public switched telephone network (PSTN) (See Fig. 1 and PSTN); an enterprise application (See Fig. 1 and ACD Server 1120) associated with said at least one handset and at least one data terminal (See Fig. 1 and Host Computer 1330) coupled to said enterprise application and disposed in proximity to each of said at least one handset; a database (See Fig. 1 and Directory Assistance Database (DADB) 1150) of caller information coupled to said enterprise application, each record in said database having a configuration for location based upon a searching key (e.g., language preference) (See col. 4-5 lines 52-9); at least one line information database (LIDB) (See Fig. 1 and LIDB 1140) disposed in said PSTN and configured to store individual searching keys (e.g., language preference) (See col. 4 lines 43-51), each of said individual searching keys having an association with a corresponding subscriber to said PSTN; and a gateway node (Fig. 1 and High Level Switch (HLS) 1110) communicatively linked to both said PSTN and said enterprise application, and, a query interface to said enterprise application programmed to select records in said database of caller information based upon an individual searching key received from said LIDB through said gateway node (for example, the HLS queries the LIDB for data segments/language preference, and

sends the call information to the ACD server, and the ACD server in return, queries the DADB if further caller information is needed) (See col. 4 lines 44-58 and 4-5 lines 66-9).

10. In regards to claims 4 and 11, Petrunka discloses a method and machine readable storage having stored thereon a computer program for processing a call (e.g., call from customer 1200) in a call center (See Fig. 1 and Network Call Center (NCC) 1100) using information (e.g., data segments, such as language preference) stored in a line information database (LIDB) (See Fig. 1 and LIDB 1140), the method comprising the steps of: retrieving a searching key (e.g., language preference) from the LIDB associated with the call (See col. 4 lines 43-51); querying an enterprise application (See Fig. 1 and ACD Server 1120) based upon said retrieved searching key to retrieve caller data (e.g., customer name and address) (e.g., the caller data/customer name and address is retrieved from DADB 1150) (See col. 4-5 lines 52-9); and, presenting said caller data to a call center operator (See Fig. 1 and Agent 1300) (See col. 5 lines 10-28).

11. In regards to claims 5, 10, 12, and 17, Petrunka discloses the method and machine readable storage, wherein said retrieving step comprises the step of retrieving said searching key from a gateway node (See Fig. 1 and High Level Switch (HLS) 1110) disposed intermediately between the LIDB in a public switched telephone network (PSTN) and said enterprise application (for example, the HLS queries the LIDB for data segments/language preference, and sends the call information to the ACD server) (See col. 4 lines 44-58).

12. In regards to claims 8 and 15, Petrunka discloses the method and machine readable storage, further comprising the step of routing the call to a particular operator based upon said retrieve searching key (e.g., language preference) (See col. 5 lines 10-17).

13. In regards to claims 9 and 16, Petrunka discloses in a public switched telephone network (PSTN) (See Fig. 1 and PSTN), a method and machine readable storage having stored thereon a computer program for processing a call (e.g., call from customer 1200) in a call center (See Fig. 1 and Network Call Center (NCC) 1100) using information (e.g., data segments, such as language preference) stored in a line information database (LIDB) (See Fig. 1 and LIDB 1140), the method comprising the steps of: for selected ones of subscribers to the PSTN, storing within subscriber records in the LIDB a searching key (e.g., language preference) into an enterprise application (See Fig. 1 and ACD Server 1120) disposed externally to the PSTN; and during an attempt to establish a call between a subscriber to the PSTN and the call center, retrieving from the LIDB a searching key corresponding to the subscriber (See col. 4 lines 43-51) and forwarding said searching key to said enterprise application for use in retrieving call information (e.g., such as call information from Directory Assistance Database (DADB) 1150) stored externally to the PSTN (See col. 4 lines 52-65 and col. 4-5 lines 66-9).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

14. Claims 4, 8, 9, 11, 15, and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Reynolds et al. (US 7,209,549).
15. In regards to claims 4 and 11, Reynolds discloses a method and machine readable storage having stored thereon a computer program for processing a call (e.g., call from calling telephone station 112)) in a call center (See Fig. 2 and call centers 176, 178) using information (e.g., language preference indicator) stored in a line information database (LIDB) (See Fig. 2 and LIDB 150), the method comprising the steps of: retrieving a searching key (e.g., preferred language) from the LIDB associated with the call (See col. 4 lines 31-39); querying an enterprise application (See Fig. 2 and SCP 140) based upon said retrieved searching key to retrieve caller data (e.g., information pertaining to calling telephone station 112) (See col. 4 lines 18-30); and, presenting said caller data to a call center operator (e.g., destination/operator) (See Abstract and col. 6 lines 36-49).
16. In regards to claims 8 and 15, Reynolds discloses the method and machine readable storage, further comprising the step of routing the call to a particular operator

based upon said retrieve searching key (e.g., preferred language) (See col. 3 lines 1-13).

17. In regards to claims 9 and 16, Reynolds discloses in a public switched telephone network (PSTN) (See Fig. 2 and originating switch 110), a method and machine readable storage having stored thereon a computer program for processing a call (e.g., call from calling telephone station 112) in a call center (See Fig. 2 and call centers 176, 178) using information (e.g., language preference indicator) stored in a line information database (LIDB) (See Fig. 2 and LIDB 150), the method comprising the steps of: for selected ones of subscribers to the PSTN, storing within subscriber records in the LIDB a searching key (e.g., preferred language) into an enterprise application (See Fig. 2 and SCP 140) disposed externally to the PSTN; and during an attempt to establish a call between a subscriber to the PSTN and the call center, retrieving from the LIDB a searching key corresponding to the subscriber (See col. 4 lines 31-39) and forwarding said searching key to said enterprise application for use in retrieving call information stored externally to the PSTN (See col. 4 lines 18-30).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claims 2, 3, 6, 7, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petrunka et al. (US 5,987,116), in view of Novack (US Patent Application, Pub. No.: US 2004/0264673).

19. In regards to claim 2, 6, and 13, Petrunka discloses all of claims 2, 6, and 13 limitations, except the call center, method, and machine readable storage, wherein each of said individual searching keys comprises a combination of caller name and a caller address. Novack, however, does disclose the call center, method, and machine readable storage, wherein each of said individual searching keys comprises a combination of caller name and a caller address (See page 5-6, paragraph [0062]). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to incorporate this feature within the method, as a way of storing subscriber information, such as names and addresses, for facilities, such as call centers to access and use.

20. In regards to claim 3, Petrunka discloses all of claim 3 limitations, except the call center, wherein said enterprise application comprises a customer relationship management application. Novack, however, does disclose wherein said enterprise application comprises a customer relationship management application (See page 5, paragraph [0059]).

21. In regards to claims 7 and 14, Petrunka discloses all of claims 7 and 14 limitations, except the method and machine readable storage, further comprising the step of presenting an incomplete set of caller data where said searching key cannot be retrieved from the LIDB. Novack, however, does disclose presenting an incomplete set

of caller data where said searching key cannot be retrieved from the LIDB (See page 6, paragraph [0063]).

Response to Applicant's Arguments

22. Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection.

Remarks

23. Applicant is advised that an updated search produced many references that utilize a LIDB in the PSTN to look up "data" about the call/caller such as the language preference for the caller and to provide the "data" to the called call center (ACD) in order for the Call Center to use this data while looking up routing information such as the agent who speaks that particular language. Some claims are very broad such that they would read on many of those references. In addition, since the LIDB in the above applied references and other similar references forwards data such as the "language preference" to the Call Center, obviously other types of data may also be forwarded from the LIDB to the Call Center for the same purpose (i.e., to assist in processing the call at the Call Center). In this case, the LIDB may be used as a "centralized database" that may assist a plurality of Call Centers.

24. In order to assist in expediting the prosecution of this application, applicant may phone the Primary Examiner and the Supervisory Patent Examiner in order to discuss potential amendments.

Conclusion

25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to THJUAN K. ADDY whose telephone number is (571)272-7486. The examiner can normally be reached on Mon-Fri 8:30-5:00pm.
26. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
27. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thjuan K. Addy/
Primary Examiner, Art Unit 2614

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Ahmad F. MATAR/
Supervisory Patent Examiner, Art Unit 2614